

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7142

BILL NUMBER: HB 1642

NOTE PREPARED: Feb 16, 2009

BILL AMENDED:

SUBJECT: Trafficking in Cellular Telephones with Inmates.

FIRST AUTHOR: Rep. Dermody

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☐ FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill enhances the penalty for trafficking with an inmate to a Class C felony if the item trafficked is a cellular telephone.

Effective Date: July 1, 2009.

Explanation of State Expenditures: Under current law, carrying into or receiving to carry out an article from an inmate or child in a correctional facility is trafficking with an inmate, a Class A misdemeanor. The bill specifically adds cellular telephones or other wireless or cellular communication devices to a list of articles for which the penalty is a Class C felony.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class C felony is punishable by a prison term ranging between 2 and 8 years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class C felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

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